

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

1199SEIU UNITED HEALTHCARE WORKERS
EAST,

Petitioner,

-against-

Civil Action No.:
1:20-cv-03611 (JGK)

PSC COMMUNITY SERVICES, NEW PARTNERS, INC.
d /b/a PARTNERS IN CARE, STELLA ORTON HOME
CARE AGENCY, RICHMOND HOME NEEDS,
SUNNYSIDE HOME CARE PROJECT, SUNNYSIDE
CITYWIDE HOME CARE, FAMILY HOME CARE OF
BROOKLYN AND QUEENS, CARE AT HOME,
CHINESE-AMERICAN PLANNING COUNCIL HOME
ATTENDANT PROGRAM, UNITED JEWISH COUNCIL
OF THE EAST SIDE HOME ATTENDANT SERVICE
CORP., THE FIRST CHINESE PRESBYTERIAN
COMMUNITY AFFAIRS HOME ATTENDANT CORP.,
AZOR HOME CARE, BUSHWICK STUYVESANT
HEIGHTS HOME ATTENDANT, INC., CA BS
HOMECARE, RIVERSPRING LICENSED HOME CARE
SERVICES AGENCY, INC., ST. NICHOLAS HUMAN
SUPPORTS CORP., WARTBURG, ALLIANCE FOR
HEALTH, INC., REGION CARE, INC., SPECIAL
TOUCH HOME CARE SERVICES, INC., RAIN, INC.,
PRESTIGE HOME CARE, INC., PRESTIGE HOME
ATTENDANT, INC. d/ b/a ALL SEASON HOME
ATTENDANT, PERSONAL TOUCH HOME CARE OF
N.Y., INC., PRIORITY HOME SERVICES, PREMIER
HOME HEALTH CARE, INC., BRONX JEWISH
COMMUNITY COUNCIL HOME ATTENDANT
SERVICES, CIDNY INDEPENDENT LIVING
SERVICES, HOME CARE SERVICES FOR
INDEPENDENT LIVING, NEW YORK FOUNDATION
FOR SENIOR CITIZENS HOME ATTENDANT
SERVICES, COOPERATIVE HOME CARE
ASSOCIATES, RISEBORO HOME CARE, INC., FEES
HOME ATTENDANT SERVICES, HOME HEALTH
MANAGEMENT SERVICES, INC., SCHOOL
SETTLEMENT HOME ATTENDANT CORP.,
ROCKAWAY HOME ATTENDANT, BRONXWOOD
HOME FOR THE AGED, INC., ACCENTCARE OF NY,
INC., ISABELLA VISITING CARE, INC., SOCIAL
CONCERN COMMUNITY DEVELOPMENT CORP.,
ABC HEALTH SERVICES REGISTRY, ALLIANCE

DECLARATION OF
FELICE B. EKELMAN, ESQ.
IN OPPOSITION TO NON-
PARTY COUNSEL'S
MOTION TO DISMISS THE
PETITION

HOME SERV ICES, *collectively identified by the Arbitrator as the "HOME HEALTH CARE AGENCIES"*,

Respondents.

I, FELICE B. EKELMAN, an attorney in good standing, admitted to practice before the courts of the State of New York, declare:

1. I am a Principal of the law firm Jackson Lewis P.C., counsel of record for Respondents Alliance for Health, Inc. and The First Chinese Presbyterian Community Affairs Home Attendant Corporation in the above-captioned actions. As such, I am fully familiar with the facts set forth herein and make this Declaration in Opposition to Non-Party Counsel's Motion to Dismiss the Petition.

2. Attached hereto as Exhibit "A" is a true and correct copy of a correspondence to Arbitrator Scheinman dated April 22, 2020.

3. Attached hereto as Exhibit "B" is a true and correct copy of a so-ordered stipulation between Alliance and 1199SEIU United Healthcare Workers East ("1199" or the "Union").

4. Attached hereto as Exhibit "C" is a true and correct copy of the docket of Eugenia Barahona Alvarado, et al. v. Alliance for Health, Inc., Index No. 155417/2018 in the Supreme Court of the State of New York, County of New York.

5. Attached hereto as Exhibit "D" is a true and correct copy of the March 5, 2019 Notice of Entry filed in Eugenia Barahona Alvarado, et al. v. Alliance for Health, Inc., No. 155417/2018 (Sup. Ct. N.Y. March 5, 2019).

6. Attached hereto as Exhibit "E" is a true and correct copy of the June 25, 2019 First Department Appellate Decision in Eugenia Barahona Alvarado, et al. v. Alliance for Health, Inc., No. 155417/2018 (App. Div. June 25, 2019).

7. Attached hereto as Exhibit “F” is a true and correct copy of the January 13, 2020 Decision and Order in Eugenia Barahona Alvarado, et al. v. Alliance for Health, Inc., No. 155417/2018 (Sup. Ct. N.Y. Jan. 13, 2020).

8. Attached hereto as Exhibit “G” is a true and correct copy of the docket of Alvaro Ramirez Guzman, et al. v. The First Chinese Presbyterian Community Affairs Home Attendant Corp., No. 0157401/2016 in the Supreme Court of the State of New York, County of New York.

9. Attached hereto as Exhibit “H” is a true and correct copy of the April 5, 2019 Decision and Order in Alvaro Ramirez Guzman, et al. v. The First Chinese Presbyterian Community Affairs Home Attendant Corp., No. 0157401/2016 (Sup. Ct. N.Y. Apr. 5, 2019).

10. Attached hereto as Exhibit “I” is a true and correct copy of the January 13, 2020 Decision and Order in Alvaro Ramirez Guzman, et al. v. The First Chinese Presbyterian Community Affairs Home Attendant Corp., No. 0157401/2016 (Sup. Ct. N.Y. Jan. 13, 2020).

11. Attached hereto as Exhibit “J” is a true and correct copy of the May 21, 2020 Decision and Order in Alvaro Ramirez Guzman, et al. v. The First Chinese Presbyterian Community Affairs Home Attendant Corp., No. 0157401/2016 (Sup. Ct. N.Y. May 20, 2020).

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 10th day of July, 2020.

/s/ Felice B. Ekelman
Felice B. Ekelman